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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,776	11/17/2003	Douglas C. Mittag	P03,0307	2419
26574	7590	11/10/2005	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/714,776	Applicant(s) MITTAG ET AL.	
	Examiner Noah C. Hawk	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 12-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

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## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11, drawn to a method for installing door panels on a steel shelving cabinet, classified in class 312, subclass 352.
  - II. Claims 12-32, drawn to a door panel system, classified in class 312, subclass 326.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the invention of Group I could be used to install doors on a doorframe.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Brett Valiquet on 10/26/05 a provisional election was made without traverse to prosecute the invention of Group 1, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 12-32 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims disclose steps in the method for installation, but do not disclose when the steps are to be carried out. It is unclear when the applicant intends for the user to carry out these steps. Further, it is uncertain whether these steps could be carried out if all of the steps of Claim 1 had already been carried out.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 discloses a step in the method for installation but does not disclose when the step is to be carried out. It is unclear when the applicant intends

for the user to carry out this step. Further, the step would not be possible to carry out if the user had already carried out all of the steps of Claim 1.

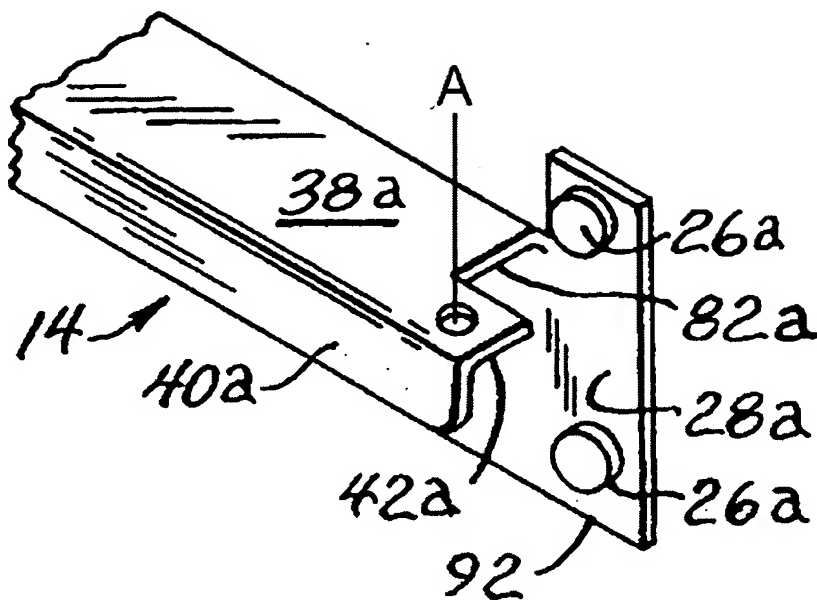
9. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 discloses the step of "installing the pin plates" "prior to installing the bottom and top supports," but Claim 1 does not provide the pivot pins in the doors until after the top and bottom supports are installed. It is unclear at what point in the installation the pivot pins are to be included.

10. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 states that the "top and bottom supports are the same as the shelf supports" but in Claim 1, the cabinet is stated to include existing shelf supports. It is unclear whether the applicant wishes to install additional top and bottom supports or utilize the extant shelf supports of the cabinet.

11. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 states that the "top and bottom supports are the same as the shelf supports" but in Claim 10, the cabinet is stated to include existing shelf supports. It is unclear whether the applicant wishes to install additional top and bottom supports or utilize the extant shelf supports of the cabinet.

***Claim Rejections - 35 USC § 103***

12. Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro in US Patent 5570940 in view of Keil in US Patent 5265954. Maro discloses installing left and right door panels on a steel shelving cabinet by installing a bottom support (80) to the front corner posts (76) at the bottom of the cabinet and a top support (78) to the front corner posts at the top of the cabinet, installing a bottom jamb (14) on the bottom support, providing pivot pins (47) at a top and bottom of each of the right and left door panels (16, 18), placing a bushing (48) over the pins, inserting the bottom pins in respective apertures (A) at the front corners of the bottom door jamb and positioning an upper door jamb (12) such that apertures (44) of the upper door jamb are received over the top pivot pins of the right and left door panels and attaching the upper door jamb to the top support. Further, Maro discloses that the bottom and top supports are the same as shelf supports of the cabinet (see Maro, column 4, lines 50-52), but does not disclose that the pins are provided on pivot pin plates. Keil discloses providing pivot pins (84) on pivot pin plates (44, best seen in Keil, Figure 2) at the top and bottom of a swinging door (20). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Maro by providing pivot pins mounted on plates as taught by Keil and installed after the bottom door jamb is installed in order to reinforce the pins.

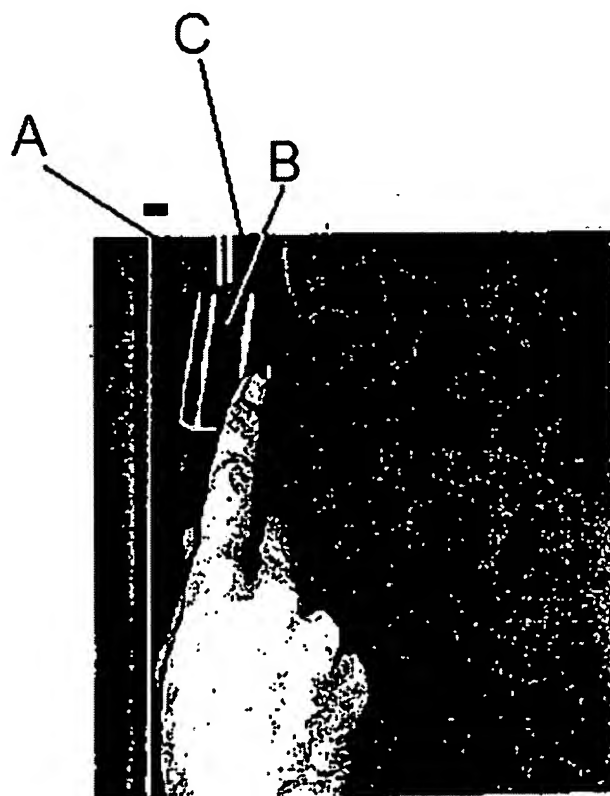


Maro '940, Figure 6

13. Claims 2, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro in view of Keil as applied to claim 1 above, and further in view of Aurora Assembly Instructions No. 3502-A cited in the IDS filed on 11/17/03. As stated above, Maro in view of Keil teaches all of the limitations of Claim 1 including the assembly of a door unit. Maro in view of Keil does not teach the use of an extender or an extender clamp. Aurora teaches the step of attaching an extender (A) to the front corner post (C) of a shelving cabinet as well as employing an extender clamp (B) to clamp a back surface of each extender to a flange surface of each of the front corner posts. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Maro in view of Keil by using extenders and extender clamps as taught by

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Aurora and attaching the extenders prior to installing the top and bottom supports in order to provide and securely attach a means to prevent dust accessing the contents of the cabinet.

**3**

Secure frame by pressing steel clips over edge of post and flange of frame—one at top and then adjust screws in clips finger tight.

### Aurora Assembly Instructions, Figure 3

14. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro in view of Sanders et al. in US Publication 2001/0016787. Maro discloses



retrofitting left and right door panels on a steel shelving cabinet by installing a bottom support (80) and a top support (78) to the front corner posts, providing pivot pins (47) at a top and bottom of each of the right and left door panels (16, 18), installing a bottom jamb (14) on the bottom support, inserting the bottom pins in respective apertures (A) of the bottom door jamb and positioning an upper door jamb (12) such that apertures (44) of the upper door jamb are received over the top pivot pins of the right and left door panels and attaching the upper door jamb to the top support. Further, Maro discloses that the bottom and top supports are the same as shelf supports of the cabinet (see Maro, column 4, lines 50-52), but does not disclose the step of shipping to a customer. Sanders et al. disclose a method including the step of shipping an item to a customer (see Sanders et al., Claim 21). It would have been obvious to one of ordinary skill in the art at the time of invention to ship the door system of Maro to a customer as disclosed by Sanders et al. in order to allow the customer to use the door system.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maro in US Patent 5464281 and Vincens disclose door assemblies. Lundine, Ho, Andersson et al., Krey, Taylor et al. and Carlson disclose knockdown cabinets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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